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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-10-00655 JF
	)	
12 Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del>
	)	ORDER CONTINUING HEARING AND
13 vs.	)	EXCLUDING TIME UNDER THE SPEEDY
	)	TRIAL ACT
14 ROSALIO LOPEZ-PEREZ,	)	
	)	
15 Defendant.	)	
_____	)	
16		

17 **STIPULATION**

18 Defendant Rosalio Lopez-Perez, by and through Counsel, and the United States, by and  
19 through Counsel, hereby stipulate that, subject to the Court's approval, the hearing set for  
20 Thursday, December 2, 2010, at 9:00 a.m., shall be continued to Thursday, December 9, 2010, at  
21 9:00 a.m.

22 The reason for the requested continuance is that both counsel are involved in trial in  
23 another matter and the defense requires additional time for investigation and preparation.

24 The parties agree that the time between December 2, 2010, and December 9, 2010, is  
25 excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of  
26 counsel and effective preparation by defense counsel.

1 IT IS SO STIPULATED.

2 Dated: November 29, 2010

3 /s/  
4 LARA S. VINNARD  
5 Assistant Federal Public Defender

6 Dated: November 29, 2010

7 /s/  
8 BRADLEY D. PRICE  
9 Special Assistant United States Attorney

10 ~~PROPOSED~~ **ORDER**

11 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
12 ORDERED that the hearing currently set for Thursday, December 2, 2010, shall be continued to  
13 Thursday, December 9, 2010, at 9:00 a.m.

14 THE COURT FINDS that failing to exclude the time between December 2, 2010, and  
15 December 9, 2010, would unreasonably deny the defendant's continuity of counsel, and would  
16 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into  
17 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

18 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
19 between December 2, 2010, and December 9, 2010, from computation under the Speedy Trial  
20 Act outweigh the interests of the public and the defendant in a speedy trial.

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1           THEREFORE, IT IS HEREBY ORDERED that the time between December 2, 2010, and  
2 December 9, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
3 3161(h)(7)(A) and (B)(iv).

4           IT IS SO ORDERED.

5 Dated: 12/1/10

A handwritten signature in blue ink, appearing to read 'J. Fogel', is written over a horizontal line.

THE HONORABLE JEREMY FOGEL  
United States District Court